

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Ordinance No. 6147 amending Section 3.43.020, repealing Section 3.43.180, and amending Section 3.43.330 of the Bellevue City Code to amend the definition of “park” to include the parking lot adjacent to and serving the park and to make parking lot hours consistent with park closure hours.

FISCAL IMPACT

No fiscal impact is anticipated.

STAFF CONTACTS

Patrick Foran, Director, 452-5377

Parks & Community Services Department

Monica Buck, Assistant City Attorney 452-4082

City Attorney's Office

POLICY CONSIDERATION

Bellevue City Code (BCC) Chapter 3.43:

The current definition of “park” does not clearly establish that actions regulated in parks are also regulated in parking lots serving the park. Should the City (1) amend the definition of “park” to include parking lots, and (2) amend and repeal other sections of Chapter 3.43 of the Bellevue City Code to make parking lot hours consistent with park closure hours?

BACKGROUND

The definition of “park” within Chapter 3.43 of the Bellevue City Code does not include the parking lot adjacent to and serving the park. BCC Section 3.43.180 distinguishes parking lots from the adjacent park, which may lead to an interpretation that the parking lot serving the park was not intended to be considered part of the park. As a result, it is unclear whether BCC Chapter 3.43 which regulates conduct in City parks is also applicable to conduct in the parking lots adjacent to and serving such parks. In addition, Section 3.43.180 adopts different hours for parking lots than for parks.

EFFECTIVE DATE

If adopted by Council, this Ordinance will become effective on February 20, 2014.

OPTIONS

1. Adopt Ordinance No. 6147 amending Section 3.43.020, repealing Section 3.43.180, and amending Section 3.43.330 of the Bellevue City Code to amend the definition of “Park” to include the parking lot adjacent to and serving the park and to make parking lot hours consistent with park closure hours.
2. Do not adopt Ordinance No. 6147 and provide alternative direction to staff.

RECOMMENDATION

Adopt Ordinance No. 6147 amending Section 3.43.020, repealing Section 3.43.180, and amending Section 3.43.330 of the Bellevue City Code to amend the definition of “Park” to include the parking lot adjacent to and serving the park and to make parking lot hours consistent with park closure hours.

MOTION

Move to adopt Ordinance No. 6147 amending Section 3.43.020, repealing Section 3.43.180, and amending Section 3.43.330 of the Bellevue City Code to amend the definition of “Park” to include the parking lot adjacent to and serving the park and to make parking lot hours consistent with park closure hours.

ATTACHMENT

Proposed Ordinance with Changes Marked
Proposed Ordinance No. 6147

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6147

AN ORDINANCE amending Section 3.43.020; repealing Section 3.43.180; and amending Section 3.43.330 of the Bellevue City Code relating to City Parks.

WHEREAS, the City of Bellevue has a compelling interest in the care of its parks and city-owned property; and

WHEREAS, under Section 3.43.010 of the Bellevue City Code the City has the power to regulate parks "for the preservation and protection of the natural environment, public peace, health, safety and welfare"; and

WHEREAS, the purpose of this ordinance is to clarify that the regulations applying to parks shall also be enforced within the parking lots adjacent to and serving parks and to make parking lot hours consistent with park closure hours.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.43.020 of the Bellevue City Code is hereby amended to read as follows:

3.43.020 – Definitions.

"Air or gas weapon" means any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide or other gas.

"Department" means the department of parks and community services of the city.

"Director" means the director of the department of parks and community services and authorized agents of the director.

"Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

"Inflatable, nonmotorized watercraft" means those nonmotorized watercraft which have two or more inflatable chambers and are propelled by two or more oars.

"Motorized watercraft" means those floating devices which are designed to be propelled by the use of internal combustion engines or electric motors. Inflatable, motorized watercraft may be included in this definition if they are propelled by the use of internal combustion engines or electric motors.

“Nonmotorized cycle or similar device” means any wheeled, operator-propelled equipment which transports the operator on land, except wheelchairs. Nonmotorized cycle or similar device includes, but is not limited to, unicycles, skateboards, bicycles, tricycles, quadcycles and scooters.

“Nonmotorized watercraft” means those floating devices which are designed to support or help support a person or persons in water, and which may or may not be propelled by the use of oars, paddles or sails.

“Nonswimming season” means that portion of the year which has not been designated as the swimming season.

“Park” means all parks and bodies of water contained therein, squares, plazas, trails, golf courses, museums, beaches, playgrounds, playfields, botanical gardens, greenbelts, and other park, recreation and open space areas, parking lots, buildings and facilities comprising the parks and recreation system of the city under the management and control of the city manager or his or her designee.

“Recreation program” means any program or activity conducted, sponsored or assisted by the department, whether or not it occurs in a park.

“Swimming season” means the period of time, as designated by the city manager or his or her designee, from approximately mid-June to the first week in September, when lifeguards are on daily duty at park swimming beaches.

Section 2. Section 3.43.180 is hereby deleted in its entirety.

3.43.180 Parking of motor vehicles.

~~It is unlawful to leave a vehicle unattended in any park or parking lot through which access is controlled by a gate from one half hour after sunset to one half hour before sunrise, or to leave a vehicle unattended in any park or parking lot through which access is not controlled through a gate between the hours of 2:00 a.m. and 6:00 a.m.; provided this section shall not apply to persons attending scheduled events and activities or have obtained a permit from the director. Such unattended vehicles may be impounded by the city.~~

Section 3. Section 3.43.330 is hereby amended to read as follows:

3.43.330 Closing times.

It is unlawful to be in a park, or leave a vehicle unattended in a park, after closing time. Unless another closing time has been established for a particular park by the city manager or his or her designee, parks shall close one-half hour after sunset and reopen one-half hour before sunrise, provided the Downtown Park shall close at 11:00 p.m. and

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reopen one-half hour before sunrise. This section does not apply to scheduled parks department events or to dedicated roads and sidewalks used for transportation which are not designated as closed.

Section 4. This ordinance shall take effect and be in force thirty (30) days after passage and legal publication.

Passed by the City Council this _____ day of _____, 2014, and signed in authentication of its passage this _____ day of _____, 2014.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Monica A. Buck, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____